

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
JANUARY 7, 1976

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, January 7, 1976 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - EHRHARDT,
HUGHES, KATNICH,
PINKERTON, and SCHAFER
(Mayor)

Absent: Councilmen - None

Also Present: City Manager Graves,
City Attorney Mullen, Community Development Director Schroeder, Public Works Director Ronsko, and City Clerk Reimche

INVOCATION

The invocation was given by Reverend Walter Baumgartner, Zion Reformed Church.

PLEDGE

Mayor Schaffer led the Pledge of Allegiance to the flag.

MINUTES

On motion of Councilman Katnich, Ehrhardt second, the minutes of December 10, 1975 were approved as written and mailed.

Councilman Pinkerton moved that the minutes of December 17, 1975 be approved as amended - page 8, paragraph 1, following the words, "Community Hospital, whereby" to be amended to read - "the City would permit annexation and development of an area of approximately 300 feet south of Vine Street containing approximately 11 acres plus an additional 5-acre area for a drainage basin, which would have the capacity to serve all of the undrained areas north of Vine Street to Tokay Street at no cost to the City".

The motion was seconded by Councilman Ehrhardt and carried.

PUBLIC HEARINGS

ADOPTION OF
NATIONAL
ELECTRICAL CODE,
1975 EDITION

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Schaffer called for the Public Hearing to consider the adoption of the provisions set forth in the "National Electrical Code", 1975 Edition.

ORD. NO. 1070
INTRODUCED

1976

Minutes of January 7, 1976, continued

Chief Building Inspector J. Paul McClure addressed the Council encouraging adoption of the "National Electrical Code, 1975 Edition, and cited changes appearing in this new and latest edition. Council was apprised that the 1975 Edition of the "National Electrical Code" is the most detailed and comprehensive revision in the history of the Electrical Code and that it contains dozens of radically new regulations and changes covering the widest range of every-day electrical details involved in basic wiring of all buildings. Questions regarding this Code were directed to Mr. McClure by the Council.

There being no other persons in the audience wishing to speak either in favor of or in opposition to the proposed adoption of the provisions set forth in the "National Electrical Code," 1975 Edition, the public portion of the hearing was closed.

Following discussion, Councilman Katnich moved introduction of Ordinance No. 1070 - "An Ordinance Adopting the 'National Electrical Code,' 1975 Edition, which Code regulates the installation, alteration, or addition of electrical wiring, devices, appliances, or equipment in the City of Lodi; and repealing Sections 9-1 and 9-16 of the Code of the City of Lodi, and all other ordinances and parts of ordinances in conflict therewith". The motion was seconded by Councilman Ehrhardt and carried.

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, the Mayor called for the public hearing on Mr. George Ferrero's (Ferrero-Heath Realtors) appeal of the Planning Commission's decision in denying his request for a variance to increase the allowable sign area from 8-square feet to 32-square feet at 310 West Pine Street, Lodi in an area zoned C-P, Commercial Professional.

Planning Director Schroeder introduced the matter and presented a diagram of the variance requested.

The City Clerk presented letters received from the following persons supporting the appeal:

Mr. and Mrs. Jack Labes, 306 W. Pine St., Lodi
H. A. Renschler, 314 W. Pine St., Lodi
Gene G. Walton, 318 W. Pine St., Lodi
Mike Ramsey, Newman & Ramsey, 402 W. Pine St., Lodi

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G. FERRERO
APPEAL RE
VARIANCE TO
INCREASE ALLOW-
ABLE SIGN AREA
IN C-P ZONE
DENIED

Mr. George Ferrero, 310 W. Pine Street, Lodi spoke on behalf of his appeal.

Also speaking on behalf of the appeal was Mr. Ron Heath, Ferrero-Heath Realtors, 310 W. Pine Street, Lodi.

There being no other persons in the audience wishing to speak, either in favor of or in opposition to the appeal, the public portion of the hearing was closed.

The Council determined that a "hardship" as defined by the Zoning Ordinance did not exist and, on motion of Councilman Ehrhardt, Hughes second, denied the appeal of Mr. Ferrero.

COMMUNICATIONS

CLAIM

The City Clerk presented a claim which had been received in the amount of \$5,000,000.00 filed on behalf of Timothy Joseph O'Shea. On motion of Councilman Ehrhardt, Pinkerton second, Council rejected the claim and referred the matter to the City's Agent of Record.

A lengthy discussion on the subject of claims followed.

S.F. CITY & COUNTY
POLLUTION OF
BAY WATERS

Councilman Pinkerton asked the City Attorney to check to see if the City and County of San Francisco have paid fines as yet for the pollution of bay waters caused by the dumping of raw sewage into the bay.

PAPERWORK COSTS
FOR NEW DOW PLANT

Excerpts from an article entitled, "Meter is Still Running on Paperwork Costs for New Dow Plant", which had appeared in a recent edition of the Northern California Industrial News were read by Councilman Pinkerton.

REPORTS OF THE
CITY MANAGER

CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, the following actions hereby set forth between asterisks, on motion of Councilman Pinkerton, Ehrhardt second, were approved by the Council.

CLAIMS

Claims were approved in the amount of \$436,789.99.

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SPECS APPROVED
FOR PUMP AND
MOTOR AT WELL 18

11-20

Specifications for the Pump and Motor at Well #18 were presented for Council approval. Council was advised that the pump and motor is a portion of the Well 18 project which was approved in the 1975-76 Capital Improvement Budget. The specifications provide for a submersible pump and motor to be furnished and installed by a pump contractor. The specifications are similar to those for Well 17 and are based upon well data furnished by the drilling contractor. An allowance of 20 feet of water table subsidence has been included in the design.

COUNCIL APPROVED THE SPECIFICATIONS FOR THE PUMP AND MOTOR AT WELL 18 AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS TO BE RECEIVED TUESDAY, JANUARY 27, 1976.

PLANS & SPECS FOR
"LODI AVE. STREET
IMPROVEMENTS,
CABRILLO CIRCLE TO
WOOD DRIVE"
APPROVED

11-20

Plans and specifications for "Lodi Avenue Street Improvements, Cabrillo Circle to Wood Drive" were presented for Council approval. Council was apprised that the reconstruction of Lodi Avenue between Cabrillo Circle and Wood Drive was approved in the 1975-76 Capital Improvement Budget with an estimated expenditure of \$148,000 and that in general, the work would consist of reconstructing existing street between curbs.

COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR "LODI AVENUE STREET IMPROVEMENTS, CABRILLO CIRCLE TO WOOD DRIVE" AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS THEREON".

REGULAR CALENDAR

RE-ESTABLISHMENT
OF PARKING ON W.
LODI AVE. IN FRONT
OF HOUSTON BLDG.
DISCUSSED

11-20

Agenda Item "d" - "Request of Lodi Avenue Merchants to re-establish parking in area of their businesses" - was introduced by City Manager Graves.

An oral presentation on the matter was made by Public Works Director Ronsko. Diagrams were presented for Council perusal, with Mr. Ronsko giving a narrative on each exhibit. Mr. Ronsko presented the following diagrams as a part of his presentation:

(1) A diagram of Lodi Avenue, Rose Street to Hutchins as it presently exists.

(2) A diagram identified as "Alternate No. 1", which would require the following changes on Lodi Avenue, Rose Street to Hutchins Street:

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(a) The removal of eight on-street parking stalls on the south side of Lodi Avenue between Rose Street and California Street.

(b) The addition of five on-street parking stalls on the north side of Lodi Avenue between California Street and the alley east of California Street.

(c) Pavement markings, or physical barriers to prevent left turns between Rose Street and Hutchins Street.

(d) The relocation of a 2-car left turn pocket from the east driveway to the Lucky-Value Giant property to the west driveway of that property.

(e) The marking of sub-standard lane widths between California Street and the alley east of California Street.

(f) The removal, or relocation of the concrete barrier between California Street and Hutchins Street.

(3) A diagram identified as Alternate No. 2 which would require the following changes on Lodi Avenue between Rose Street and Hutchins Street:

(a) The removal of four on-street parking stalls on the south side of Lodi Avenue between California Street and the alley west of California Street.

(b) The addition of five on-street parking stalls on the north side of Lodi Avenue between California Street and the alley east of California Street.

(c) The realignment of a 2-car left-turn pocket at the east driveway to the Lucky Market and Value Giant property.

(d) The marking of substandard lane widths between California Street and Hutchins Street.

(e) The removal or relocation of the concrete barrier between California Street and Hutchins Street.

Questions were directed to the Staff by the Council. Discussion followed with Councilman Pinkerton suggesting that California Street be made a one-way street. Mr. Ronsko asked that if this is an alternate to be considered, Staff would like the opportunity to study it further.

Persons present in the audience addressed the Council as follows:

(1) Clarence Turner, 531 W. Lodi Avenue, Lodi stated he was the spokesman for the Houston Building tenants, and indicated that he would hope the Council would give consideration to Alternate 2.

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(12) Mr. Ray Guth presented a letter which had been received from Wm. C. Hoegerman, owner of property at 501 W. Lodi Avenue, Lodi. Mr. Hoegerman stated in his letter that during the condemnation proceedings of properties designated by Phase I for the widening of Lodi Avenue, from Lodi Avenue to California Street, property owners were assured by the City's negotiators that no special considerations would be given any properties involved in the widening program, but that all would be treated equal, as far as property lines are concerned. Mr. Hoegerman went on to say that he feels it would be most unfair to the property owners who have been required to sacrifice valuable property so that Lodi Avenue could be widened, if on-street parking is granted on 545-531 W. Lodi Avenue and curb and sidewalk at that location is then moved back into the new right-of-way.

(13) Mr. Josh Kiene, 527 W. Lodi Avenue, Lodi spoke regarding the difficulty of making a left turn getting onto California Street from West Lodi Avenue and stated that he felt that if right-hand turns only were allowed, he doesn't believe there would be a problem. Mr. Kiene also pointed out the problems being encountered with through traffic going through their parking lot. Following Council inquiry, Mr. Kiene indicated that he would favor Alternate 2.

(14) Mr. Dave Cummings, Manager, Lucky Market, 530 W. Lodi Avenue, Lodi stated that he was speaking on behalf of Lucky Market, Value Giant and Gene's Drive In. Mr. Cummings stated that these three businesses would favor the existing plan. Following a question directed by Councilman Hughes, Mr. Cummings stated that he felt it would be all right for Houston Building business customers, but not employees, to park on the Lucky parking lot.

(15) Mr. Gene Watnecke, Gene's Drive In, 510 W. Lodi Ave., Lodi, stated that if the left turn lane in the area of his business is moved, he would be out of business.

Councilman Hughes asked that Staff provide Council with a copy of the proposed sidewalk plan in front of the Houston Building.

A lengthy discussion followed. On motion of Councilman Katsch, Hughes second, Council continued the matter of the request of the Lodi Avenue Merchants in the area of the Houston Building to re-establish parking in the area of their businesses on January 21, 1976 to allow Council time to evaluate all alternates, with a definite decision to be made on the matter by the Council at that time.

RECESS

Mayor Schaefer declared a five-minute recess at approximately 10:30 p.m. The meeting was reconvened at 10:35 p.m.

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RELAX IN LODI
BILLBOARDS

573-

City Manager Graves stated that he had received a call from Mr. Frank Wolfe of the Lodi District Chamber of Commerce requesting that action be deferred on Agenda Item "e" - "Approve contract with Ryan Outdoor Advertising, Inc. for Relax in Lodi billboards".

Council discussion followed with Staff being requested to provide Council with information as to the present balance of the Beautification Reserve Account and the increase, if any, to this fund resulting from the installation of these billboards. Mayor Schaffer then directed that action on this matter be deferred as requested.

The City Manager apprised the Council that bids had been received January 5, 1976 for the installation of four street lights in the 200 block of Eden Street as follows:

<u>BIDDER</u>	<u>AMOUNT</u>
Steiny and Company, Inc.	\$6,076
Smith Electric Supply	\$5,267
Ferrero Electric, Inc.	\$4,880
Graffigna Electric	\$3,980
Collins Electrical Co.	\$3,952
Wagers Electric	\$3,225

AWARD-CONTRACT
FOR EDEN ST. ST.
LIGHT DISTRICT

RES. NO. 4149

11-11(a)

City Manager Graves recommended that the contract be awarded to Wagers Electric, the low bidder, in the amount of \$3,225. Mr. Graves stated that the amount of \$3,225 bid by Wagers Electric, with the addition of miscellaneous expenses, such as advertising, would be right on line with the engineer's estimate of the costs for this street light installation.

On motion of Councilman Katnich, Ehrhardt second, Council adopted Resolution No. 4149 awarding the contract for the Eden Street Street Light District to Wagers Electric, the low bidder, in the amount of \$3,225.

TRANSFER OF OWNER-
SHIP OF LODI
AMBULANCE SERVICE
APPROVED

RES. NO. 4150

11-11(a)

City Manager Graves informed the Council that the City Code requires that a transfer of ownership of an ambulance operator's permit be submitted to the City Council for approval and issuance of a new permit. This provision of the Code was overlooked when the Lodi Ambulance Service had a change in ownership in 1971. The new owners have now complied with the requirements of the City Code and Council approval would now be in order authorizing the transfer of ownership of the Ambulance Operator's Permit to Michael N. Nilssen and Perry D. Schimke, co-partners doing business as Lodi Ambulance Service.

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Following discussion, Councilman Pinkerton moved adoption of Resolution No. 4150 cancelling the Ambulance Operator's Permit previously issued to Michael N. Nilssen and Dennis M. Cerruti, doing business as Lodi Ambulance Service and granting an Ambulance Operator's Permit to Michael N. Nilssen and Perry D. Schimke, co-partners doing business as Lodi Ambulance Service.

POLICY RE
CANDIDATE'S STATE-
MENT OF QUALIFICA-
TIONS

RES. NO. 4151

11-13

Following introduction of the matter by City Attorney Mullen, Councilman Ehrhardt moved adoption of Resolution No. 4151 rescinding Resolution No. 4128 and thereby adopting the City's Policy in connection with the General Municipal Election with regard to the Candidate's Statement of Qualifications, whereby there shall be no charge for those persons filing a Candidate's Statement of Qualifications in English, and for those persons requesting a Spanish translation of the Candidate's Statement of Qualifications, the City will bill each candidate a sum not greater than the actual prorated costs of printing, handling and translating the Candidate's Statement of Qualifications. The motion was seconded by Councilman Hughes and carried by the following vote:

Ayes: Councilmen - Ehrhardt, Hughes,
Pinkerton and Schaffer

Noes: Councilmen - Katnich

Absent: Councilmen - None

RESOLUTION OF
SUPPORT FOR
SENATOR STULL'S
PROPOSED
AMENDMENT TO
STATE CONSTITUTION

11-21

Mayor Schaffer presented a letter that had been received from Senator John Stull, 38th District with a copy of a draft constitutional amendment which Senator Stull intends to introduce in January relating to individual rights. Senator Stull stated in his letter that he believes that citizens should not be required to pay dues or fees to a third party in order to be employed by their government, at any level, and that he believes it imperative that the people of California have the opportunity to vote on this matter.

Following discussion on the matter, on motion of Councilman Hughes, Katnich second, Council adopted a Resolution of Support for Senator John Stull's proposed amendment to Section 8 of Article I of the Constitution of the State of California relating to individual rights.

HOLIDAY GREETINGS
RECEIVED

Mayor Schaffer noted that Christmas and holiday greetings had been received from the Mayor of Dublin, Ireland and Kofu, Japan.

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LODI HIGH SCHOOL
PARKING LOT
COMMITTEE MEETING
DATE CHANGED

Councilman Ehrhardt apprised the Council that the Lodi High School Parking Lot Committee meeting had been rescheduled from January 5, 1976 to January 13, 1976.

REIMBURSEMENT OF
MISAPPORTIONED
SE-125 FUNDS

Following a report by Councilman Ehrhardt regarding incorrect methods used previously for the apportionment of Transportation Development Act (SB-325) Funds by the Council of Governments, Council on motion of Mayor Schaffer, Pinkerton second, instructed the City's delegates to that Body that it is the City of Lodi's position that the City of Stockton reimburse the other cities and the County those funds due as a result of these misapportionments without benefit of interest.

DATES OF INTEREST

Mayor Schaffer reminded the Council of the following upcoming meetings:

- (1) 1/8/76 - Cities and County meeting to be held in Manteca.
- (2) 1/23/76 - Quarterly meeting of the Central Valley Division, League of California Cities to be held in Ceres.
- (3) 1/9/76 - Congressman John McFall will be in Stockton to review some concerns on Folsom South Canal. This meeting will be held at the Stockton-East Water District Office, 2526 E. Fremont, Stockton.

UPDATE ON REEDER
GRAY, et al CASE

Councilman Hughes gave an update to the Council on the case of the People of the State of California vs. Reeder Gray, et al, reporting on a meeting that had been held with District Attorney Baker, and that a meeting had been set for the Mayor and one Councilman to meet with Judge Woodward on January 20, 1976.

LABOR RELATIONS
INSTITUTE TO BE
HELD IN L. A.

Councilman Hughes reminded the Council of the Labor Relations Institute being held in Los Angeles on January 21-23, 1976. It was determined that a number of Council members and staff members would be attending. Following discussion, Council agreed that the Council meeting scheduled for January 21, 1976 would be held January 28, 1976.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:20 p.m. to January 15, 1976 at 7:00 p.m. on motion of Councilman Pinkerton, Ehrhardt second.

Alice M. Reimche
Attest: ALICE M. REIMCHE
City Clerk